

SECTION 2

REPORTING, RECORDKEEPING AND PERMITTING REQUIREMENTS

2.1 Reporting

The State UST regulations require owners and operators to undertake specific actions and make reports to DOH when they suspect a release from their USTs, when releases from their USTs have been confirmed, and when they close their USTs. The decision tree illustrated in Figure 2.1 provides a general overview of the reporting requirements for closure and release response. The specific requirements for UST closure, suspected release confirmation, and release response are discussed in detail in Sections 3, 4, and 5, respectively. In addition, this manual provides standardized formats for UST closure and release response reports, and they can be found in the appendix of each respective section.

Owners and operators must make reports to DOH within certain specified time frames. In addition, DOH may request, on a case-by-case basis, submittal of work plans and other additional information. Table 2.1 identifies the types of reporting that owners and operators must make to DOH under HAR 11-281, Subchapters 6, 7, and 8.

Reporting is one of the single most important means through which DOH keeps informed of UST-related activities, and is the means by which DOH evaluates compliance by owners and operators with the State UST regulations. Failure to submit a document on a timely basis may be a violation of the State UST regulations. Inadequacies in the technical nature and quality of the submitted information often trigger oversight activities by DOH and can lead to possible enforcement actions against the owner and operator of the UST.

In addition to complying with the State UST regulations, owners and operators must comply with all other applicable Federal, State, and County requirements. These other

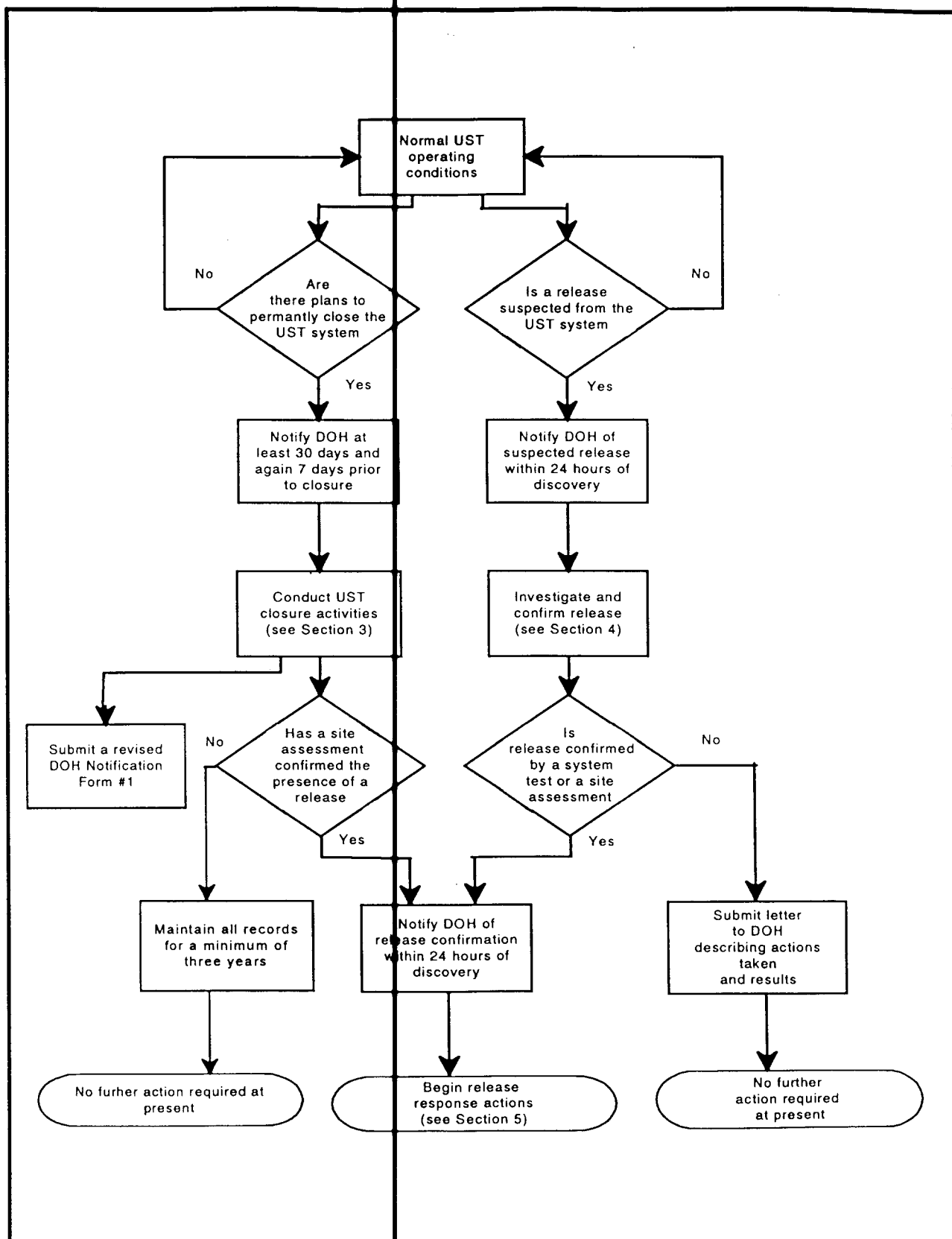


FIGURE 2.1 GENERAL OVERVIEW OF REPORTING REQUIREMENTS FOR CLOSURE AND RELEASE RESPONSE

Table 2.1 Reporting Requirements For UST Closure and Release Response

REPORTING REQUIREMENTS FOR CLOSURE OR CHANGE-IN-SERVICE (HAR 11-281, Subchapter 8)			
Report Description	How to Report	When Report(s) Must be Submitted	Purpose of Report
Preliminary Notice of Intent to Close or Change-in-Service	Letter	At least 30 days from the start of UST closure or change-in-service activities	To inform DOH of the intent to close or Change-in-Service in accordance with HAR 11-281-82(b)
Final Notice of Intent to Close or Change-in-Service	Phone or Letter	At least 7 days before UST closure or change-in-service	To inform DOH of the exact date of UST closure or change-in-service
"Notification For Underground Storage Tanks"	DOH Form No. 1	Within 30 days after completing UST closure or change-in-service	To inform DOH of the completion of UST closure or change-in-service
Confirmed Release Notification (CRN)	Phone or Fax	Within 24 hours of release discovery	To inform DOH of release and planned response actions -- allows DOH to advise owners and operators on release response requirements
	CRN Form	Within 7 days of release discovery	
UST Closure Site Assessment Report	Report	Not required to be submitted unless requested by DOH, but must be kept and maintained for at least 3 years	To assemble and properly document information on UST closure activities

*For USTs placed in service after January 28, 2000, which are subject to a DOH UST permit, owners and operators must submit written notice pursuant to HAR 11-281-29(b)

REPORTING REQUIREMENTS FOR SPILLS/OVERFILLS AND SUSPECTED RELEASE RESPONSE (HAR 11-281, Subchapter 6)			
Report Description	How to Report	When Report(s) Must be Submitted	Purpose of Report
Spills and Overfills Notification	Phone or Fax	Within 24 hours of spill/overflow incident	To notify DOH of spills and overfills in accordance with HAR 11-281-64 and to inform DOH of actions to be taken
	Letter	Immediately after phone report to DOH	
Suspected Release Notification	Phone or Fax	Within 24 hours of suspected release discovery	To notify DOH of the discovery of a suspected release in accordance with HAR 11-281-61 and to inform DOH of actions to be taken
	Letter	Immediately after phone report to DOH	
Confirmed Release Notification (CRN)	Phone or Fax	Within 24 hours of release discovery	To notify DOH of the discovery of a release and planned response actions in accordance with HAR 11-281-72 -- allows DOH to advise owners and operators on release response requirements
	CRN Form	Within 7 days of release discovery	
Suspected Release Disconfirmation	Letter or Report	Within 30 days from the date of the suspected release report	To provide DOH with a brief summary of the results of actions taken to respond to suspected release

Table 2.1 Reporting Requirements for UST Closure and Release Response

REPORTING REQUIREMENTS FOR RELEASE RESPONSE (HAR 11-281, Subchapter 7)			
Report Description	How to Notify	When Report(s) Must be Submitted	Purpose of Report
Release Response Work Plan	Work Plan	Only when specifically requested by DOH	To provide DOH with detailed information on plans for undertaking any and all release response actions.
Confirmed Release Notification (CRN)	Phone or Fax	Within 24 hours after discovery of a release	To notify DOH of the UST release and response actions taken to date. Provides DOH with an opportunity to advise owners and operators on release response requirements.
	CRN Form	Within 7 days after discovery of a release	
Initial Release Response Report	Report	Within 90 days after discovery of a release	To inform DOH of all actions taken within the first 90 days in response to a UST release.
Quarterly Release Response Report	Report	Within 180 days after discovery of a release and every 90 days thereafter, in cases where release response actions exceed 90 days	To inform DOH of additional actions taken beyond the first 90 days.
Corrective Action Plan (CAP)	Work Plan	Submit workplan within 30 days following its request by DOH	To demonstrate that remedial action will be safe and protective of human health and the environment
Corrective Action Plan Quarterly Monitoring Report	Quarterly Release Response Report	CAP monitoring reports are required every 90 days	To demonstrate that CAP is operating and performing as anticipated and to describe the progress of cleanup

OPTIONS TO DEMONSTRATE PROTECTIVENESS OF HUMAN HEALTH AND THE ENVIRONMENT			
OPTION 1: COMPLIANCE WITH DOH'S TIER 1 ACTION LEVELS			
Report Description	How to Notify	When Report Must be Submitted	Purpose of Report
Tier 1 evaluation of soil and groundwater	Initial or Quarterly Release Response Report	When residual contamination is less than DOH's Tier 1 action levels	To verify adequacy of site characterization and that concentrations of any contaminants remaining on site are below Tier 1 action levels
OPTION 2: DEVELOPMENT OF TIER 2 SOIL ACTION LEVELS			
Site specific Tier 2 evaluation of soil contamination	Initial or Quarterly Release Response Report	When residual soil contamination is less than site specific Tier 2 action levels	To verify adequacy of site characterization and that the concentration of any soil contaminants remaining on site are below Tier 2 action levels for soil
OPTION 3: DEVELOPMENT OF TIER 3 RISK ASSESSMENT			
Risk Assessment	Initial or Quarterly Release Response Report	When alternative levels of risk can be demonstrated to be acceptable	To demonstrate through a formal and site specific risk assessment that residual contamination does not present an unacceptable risk to human health or the environment
OPTION 4: DEVELOPMENT OF EXPOSURE PREVENTION PLAN			
Exposure Pathway Assessment	Report	When exposure prevention can be shown to be a suitable remedy	To establish that no current exposure pathways to human and non-human receptors exists
Exposure Prevention Management Plan	Report	When exposure prevention can be shown to be a suitable remedy	To formalize all monitoring and response actions that will be taken to prevent exposure of human and non-human receptors to residual contaminants

requirements can include items relating to release reporting, County permitting for UST closure, and compliance with Federal and State health and safety requirements for workers and the public. A list of Federal, State, and County agencies which maybe involved in various aspects of UST activities is provided in Table 2.2. Owners and operators and their consultants/contractors should coordinate with all appropriate agencies that may regulate activities at a UST site and should obtain specific information on applicable requirements.

2.1.1 DOH Followup on Reports

DOH prioritizes its review of reports received from owners and operators and their consultants/contractors. In general, prioritization is based on the threat, or potential threat, that a suspected or confirmed release poses to human health and the environment. A project officer is assigned to review, evaluate, and follow up on UST closures, suspected releases, and confirmed releases. The assigned project officer becomes the key DOH contact with the owner and operator. Based upon DOH's prioritization, the sites presenting the greatest and most urgent risk to human health or the environment will receive the earliest and greatest attention of the assigned project officer.

Because of limited staff resources and because of the self-implementation and voluntary compliance philosophies of the State UST regulations, DOH does not expect that it will be able to review, evaluate, and follow up on reports for all closures and releases in a high priority and timely manner. This is particularly true for those sites of lower environmental significance. However, DOH intends to acknowledge receipt of all reports by sending a brief letter to the owner and operator. In the absence of a review by DOH to evaluate the technical adequacy and compliance status of the work performed, owners and operators must thus rely heavily on the professional expertise and competence of their consultants/contractors. Owners and operators and their consultants/contractors must therefore ensure, to the extent possible, that all actions taken in release response and UST closure are well documented and performed in a

Table 2.2 Federal, State, and Local Agencies

FEDERAL	
United States Environmental Protection Agency (EPA)	
Underground Storage Tanks Program Office (WST-8), 75 Hawthorne Street, San Francisco, California 94105	(415) 744-2079
United States Coast Guard (USCG)	
Marine Oil Pollution Reports Pier 4, Honolulu, Hawaii 96813	(808) 522-8260

STATE	
Hawaii Department of Health (DOH)	
Solid & Hazardous Waste Branch (SHWB), 919 Ala Moana Boulevard, Room 212, Honolulu, Hawaii 96814	(808) 586-4226
Clean Water Branch (CWB), 919 Ala Moana Boulevard, Room 301, Honolulu, Hawaii 96814	(808) 586-4309
Safe Drinking Water Branch (SDWB) 919 Ala Moana Boulevard, Room 308, Honolulu, Hawaii 96814	(808) 586-4258
Clean Air Branch (CAB) 919 Ala Moana Boulevard, Room 309, Honolulu, Hawaii 96814	(808) 586-4200
Wastewater Branch 919 Ala Moana Boulevard, Room 203, Honolulu, Hawaii 96814	(808) 586-4294
Office of Hazard Evaluation & Emergency Response (HEER) 919 Ala Moana Boulevard, Room 206, Honolulu, Hawaii 96814	(808) 586-4249
Hawaii Department of Land and Natural Resources (DLNR)	
Water Resources Management Division 1151 Punchbowl Street Room 227, Honolulu, Hawaii 96813	(808) 587-0214
Hawaii Department of Labor and Industrial Relations (DLIR)	
Occupational Safety and Health Division (DOSH) 830 Punchbowl Street Room 423, Honolulu, Hawaii 96813	(808) 586-9100
Hawaii Department of Defense (DOD)	
Civil Defense Division Birkhimer Emergency Operating Center, 3949 Diamond Head Road Honolulu, Hawaii 96816	(808) 733-4300
Hawaii District Health Offices - Environmental Health	
Maui District Health Office State Office Building, 54 South High Street, Wailuku, Hawaii 96793	(808) 948-8234
Kauai District Health Office 3040 Umi Street, P.O. Box 671, Lihue, Hawaii 96766	(808) 241-3323
Hawaii District Health Office State Office Building, P.O. Box 916, Hilo, Hawaii 96720	(808) 974-6001

Table 2.2 Federal, State, and Local Agencies

COUNTY	
Fire Department	
City & County of Honolulu 1455 South Beretania 3rd Floor, Honolulu, Hawaii 96814	(808) 943-3301
Maui County 200 Dairy Road, Kahului, Hawaii 96732	(808) 243-7561
Kauai County 4444 Rice Street, Suite 295, Lihue, Hawaii 96766	(808) 241-6511
Hawaii County 466 Kinoole Street, Hilo, Hawaii 96720	(808) 961-8350
Department of Public Works - Engineering Division	
City & County of Honolulu 650 South King Street, Honolulu, Hawaii 96813	(808) 527-5056
Maui County 200 South High Street, Wailuku, Hawaii 96793	(808) 243-7745
Kauai County 4444 Rice Street, Suite 175, Lihue, Hawaii 96766	(808) 241-6666
Hawaii County 25 Aupuni Street, Hilo, Hawaii 96720	(808) 961-8327
Civil Defense Agency / Local Emergency Planning Committee	
City & County of Honolulu 650 South King Street, Honolulu, Hawaii 96813	(808) 523-4121
Maui County 200 South High Street, Wailuku, Hawaii 96793	(808) 243-7285
Kauai County 4396 Rice Street Room 107, Lihue, Hawaii 96766	(808) 241-6336
Hawaii County 920 Ululani Street, Hilo, Hawaii 96720	(808) 935-0031
Department of Land Utilization	
City & County of Honolulu 650 South King Street, 7th Floor, Honolulu, Hawaii 96813	(808) 523-4131
Department of Planning	
County of Hawaii, 25 Aupuni Street, Room 109, Hilo, Hawaii 96720	(808) 961-8228
County of Kauai, 4444 Rice Street, Suite 473, Lihue, Hawaii 96766	(808) 241-6677
County of Maui, 250 South High Street, Wailuku, Hawaii 96793	(808) 243-7735

manner which complies with the State UST regulations as well as all other applicable Federal, State, and County requirements. Owners and operators should note that the absence of a DOH review of a closure or release response report does not necessarily mean that DOH concurs with all the actions taken or any conclusions or compliance determinations made by the owner and operator and their consultants/contractors.

2.1.2 Work Plans

Advanced planning and organization are essential for quicker and more effective UST release response and closure actions. Owners and operators will likely require private consultant/contractor expertise for these types of activities. It is essential that owners and operators fully understand the types of work tasks necessary to respond to releases or close a UST. In that respect, work plans, which may be part of a contractual agreement prepared by the consultant/contractor should be mutually-understandable, and prepared prior to initiating UST release response and closure tasks. Specific types of actions can be investigative in nature and/or cleanup and abatement in nature, and it is important for the owner and operator to understand, to the extent practicable, why a particular work task is being performed in order to avoid potential contractual disputes at a later date. Work plans are not only important documents for contractual and legal reasons, they are often the major formal mechanism by which consultants/contractors communicate technical details to their clients prior to initiating site work.

Owners and operators should, of course, have some general knowledge of the UST requirements in order to properly initiate a request for consultant/contractor services. The specific services requested are commonly embodied in a document which is called a scope of work. Simply put, a scope of work is a work order or work directive. For complex cases, it may be more prudent to approach a project in phases, each of

which is dictated in a separate scope of work, in order for the owner and operator to have more management and control over the work performed overall.

To the extent that is possible, owners and operators should prepare for the initial meeting for consultant/contractor services by gathering preliminary, basic types of information regarding the facility's layout, any release-related information, subsurface information, and any records on the historical use of the property.

Consultants/contractors can use these types of information to assist the owners and operators in developing an appropriate scope of work for site-specific problems. The work plan, though it is prepared by the consultant/contractor based on the scope of work, is a mutually-agreed-to document between the owner and operator and consultants/contractors. The work planning process should be a collaborative effort. Full, up-front disclosure of all contractual terms and conditions, written and explained in a manner which is understandable to the owner/operator, will minimize contractual disputes and unpleasant surprises down the road.

With the exception of Corrective Action Plans, discussed in Section 2.1.3 and Section 5.3.4.4, the State UST regulations do not specifically require that work plans be developed or submitted to DOH prior to implementation of work. In fact, the State UST regulations encourage owners and operators to voluntarily take timely and appropriate actions to confirm suspected releases, respond to confirmed releases, and close USTs, as long as these actions are protective of human health and the environment and are consistent with the final remedy for the site. Because DOH is providing guidance through this manual, DOH does not intend to request work plan submittals for most cases. However, if DOH is not or has not been assured that owners and operators and their consultants/contractors can undertake actions which are protective of human health and the environment, DOH may request that work plans be submitted for review prior to commencement of UST release response or closure actions for those cases. Furthermore, DOH will require Corrective Action Plan

submittals for sites which it considers higher in environmental priority or attention than others.

Preparation of a good work plan can be time-consuming and resource-intensive depending on the particular project at hand. In the event that DOH requests that a work plan be submitted, DOH recommends that the specific work plan be prepared in a format which takes into consideration all of the applicable information as specified in Appendix 2-A. The format in Appendix 2-A is designed to foster good planning, and completeness of work. This format will assist DOH to streamline and facilitate its review of work plans which are submitted.

2.1.3 Corrective Action Plans

The DOH may require the preparation of a Corrective Action Plan (CAP) if one or more of the threshold criteria described at HAR 11-281-79(a) have been met. Corrective Action Plans are required for sites that are high priority and have the potential to adversely impact human health or the environment unless prompt and appropriate remedial action is taken. Owners and operators must submit the required CAP to DOH no later than 30 days after requested by DOH. All submitted CAPs must be reviewed and approved by DOH. See Section 5.3.4.4 for a thorough description of CAP requirements.

2.2 Recordkeeping

Recordkeeping is another essential part of the owner's and operator's effort to demonstrate compliance with the State UST regulations, as well as any other requirements that may apply to the UST site. Records must be readily available in the event of a DOH inspection and must be submitted to DOH if requested to do so.

The State UST regulations specifically require owners and operators to keep and maintain information on UST closure including the results of the site check (site assessment), for at least 3 years (HAR 11-281-85(c)). Though reports on release confirmation and release response are required to be submitted to DOH, it would be prudent for the owner and operator to also keep and maintain copies of those reports. For liability and legal reasons, DOH recommends that all records be kept and maintained by owners and operators as long as possible. Owners and operators must keep and maintain records at the UST site or at a readily available alternative site such as a central office. Particularly for records on closures, owners and operators may submit records to DOH if they are unable to keep records at the UST site or an alternative site.

2.3 Permitting

While the Hawaii Administrative Rules do set forth requirements for obtaining permits to install and operate an UST or tank system brought into use after January 28, 2000, DOH does not require owners and operators to obtain permits for UST release investigation and cleanup. However, owners and operators and their consultants/contractors must nevertheless ensure that all appropriate approvals and permits from other agencies are obtained prior to beginning these UST activities. Table 2.3 identifies some of the types of permits and approvals which may be required for UST-related work and the appropriate agencies for further consultation. Please note that the types of permits and approvals listed are those which are most commonly required for work at some UST sites, and by no means is the list complete. There may be other types of permits and approvals required which are not specifically identified in this table.

For UST closure or change-in-service activity, owners and operators must submit a revised DOH Form No. 1, "Notification for Underground Storage Tanks" for tanks

brought into use **before** January 28, 2000. For tanks brought into use **after** January 28, 2000, owners and operators must submit a written notice pursuant to HAR 11-281-29(b) to DOH after completing the closure or change-in-service activity to reflect the status of the UST.

Table 2.3 Permits and Approvals for UST Related Activities

Type of Permit/Approval	Permit/Approval Description and Granting Agency
Land Use Permits	<p>Description: County Land Use and Planning Departments administer a variety of land use permits. UST closure and release response (remediation) actions may affect land use permits. Owners and operators should contact the County Land Use/Planning Departments to ensure that activities at a site are consistent with land use permits/zoning conditions.</p> <p>Granting Agency: County Land Use/Planning Department</p>
Building Permits	<p>Description: Permit required prior to beginning certain construction related activities.</p> <p>Granting Agency: County Building Department</p>
Approval to Close a UST	<p>Description: Approval required prior to closing (removal or closure-in-place) of USTs that store flammable and combustible liquids.</p> <p>Granting Agency: County Fire Department</p>
Grading Permit, Stockpiling Permit, and Trenching-Excavation Permit	<p>Description: Permits required for grading, and stockpiling soil. If working in a county right-of-way, a permit for trenching/excavating is required. Counties review the necessity of permits on a case-by-case basis.</p> <p>Granting Agency: County Public Works Department - Division of Engineering</p>
Street Usage Permits	<p>Description: Permit required to work (i.e. perform soil borings, install groundwater monitoring wells) in streets and sidewalks that are owned by county government. Work area must be restored to original conditions (fill soil borings, demolish temporary ground water monitoring wells).</p> <p>Granting Agency: County Department of Transportation Services</p>
Construction Dewatering Permit (discharge into storm drains)	<p>Description: Permit required prior to the discharge of water into storm drains or sewer systems owned by county government.</p> <p>Granting Agency: County Department of Public Works - Division of Engineering</p>
Solid Waste Management Permit	<p>Description: Permit required of commercial facilities that treat and dispose of solid waste (i.e construction debris, green waste, petroleum contaminated soil). Permit conditions require facilities to be properly designed, constructed, and operated in a manner that protects human health and the environment.</p> <p>Granting Agency: DOH Solid and Hazardous Waste Branch - Solid Waste Section</p>
Groundwater Well Construction Permit	<p>Description: Permit required to construct groundwater wells in Hawai'i.</p> <p>Granting Agency: Hawai'i Department of Land and Natural Resources - Commission on Water Resource Management</p>
National Pollutant Discharge Elimination System (NPDES) Permits	<p>Description: Permit required to discharge pollutants into Hawai'i State waters. UST activities which require a NPDES permit include the discharge of treated groundwater, construction dewatering, and pump test water from a UST cleanup site into storm drains and surface waters.</p> <p>Granting Agency: DOH Clean Water Branch</p>
Underground Injection Control Well Permit	<p>Description: Permit required to operate any injection well that is used for the subsurface disposal of fluids. An application to construct and operate an injection well must be submitted to DOH before well construction commences.</p> <p>Granting Agency: DOH Safe Drinking Water Branch</p>
Air Pollution Control Permits	<p>Description: Permit required of facilities that emit air pollutants unless the facility is specifically exempt under State Air Pollution Control rules. A facility emitting air pollutants may be required to obtain the following types of permits: (1) Authority to Construct; (2) Permit to Operate; and (3) Federal Prevention of Significant Deterioration.</p> <p>Granting Agency: DOH Clean Air Branch</p>